

## Message Text

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DRAFTED BY USAEC:DIP:WLYEOMANS

APPROVED BY SCI H D BREWSTER

IO/SCT FJGALANTO (INFO)

ARA/MEX:APSHANKLE (INFO)

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FM SECSTATE WASHDC

TO USMISSION IAEA VIENNA PRIORITY

INFO AMEMBASSY MEXICO PRIORITY

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E.O. 11652: N/A

TAGS: TECH, IAEA, MX, US

SUBJ: NUCLEAR FUEL SUPPLY FOR MEXICAN POWER REACTOR

REF: 1. IAEA VIENNA 628, 2. IAEA VIENNA 701

1. USAEC AND DEPARTMENT AGREEABLE MODIFY ARTICLE VII (SETTLEMENT OF DISPUTES) IN ACCORDANCE WITH PARA 3, REFTEL 1, PROVIDED THAT PARTIES TO LONG-TERM CONTRACT ARE SAME AS THE TWO GOVERNMENTAL PARTIES TO SUPPLY AGREEMENT. IN EVENT PARTIES ARE DIFFERENT, OPENING PHRASE SHOULD BE MODIFIED TO READ AS FOLLOWS: "ANY DISPUTE INVOLVING THE PARTIES TO THIS AGREEMENT AND ARISING OUT OF THE INTERPRETATION..." ETC.

2. RE ARTICLE VIII, A PERIOD OF "THIRTY-THREE (33) YEARS" IS NOT ACCEPTABLE, SINCE THE FIRST DELIVERY OF ENRICHED URANIUM UNDER LONG-TERM CONTRACT COULD  
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OCCUR AS EARLY AS MARCH 1, 1976, AND USAEC ENRICHMENT

CRITERIA PERMIT CONTRACTS TO PROVIDE FOR THE FURNISHING OF ENRICHMENT SERVICES FOR A MAXIMUM PERIOD OF THIRTY (30) YEARS FROM FIRST ENRICHED URANIUM DELIVERY DATE. THEREFORE, MAXIMUM PERIOD FOR WHICH AEC COULD ENTER INTO TRILATERAL SUPPLY AGREEMENT WOULD BE FOR PERIOD OF "THIRTY-TWO (32) YEARS." IN VIEW FOREGOING AND IN RECOGNITION OVERRIDING NATURE OF COOPERATION AGREEMENT, USAEC PROPOSES MODIFICATION OF MISSION-SUGGESTED COMPROMISE SET FORTH IN PARA 4, REFTEL 1, AS FOLLOWS: "...SHALL REMAIN IN FORCE FOR THE PERIOD OF THE LONG-TERM CONTRACT OR FOR A PERIOD OF THIRTY-TWO (32) YEARS, WHICHEVER IS GREATER, PROVIDED THAT THE PERIOD OF THIS AGREEMENT SHALL IN NO EVENT EXTEND BEYOND THE PERIOD DURING WHICH THE COOPERATION AGREEMENT IS IN FORCE."

3. FOR MISSION'S INFORMATION, U.S. LEGISLATION AMENDING ATOMIC ENERGY ACT HAS NOT YET BEEN INTRODUCED BY JCAE. WE WILL KEEP MISSION ADVISED OF DEVELOPMENTS THIS REGARD.

4. USAEC AND DEPARTMENT AGREEABLE TO MIDIFY REVISED ARTICLE IIIM1 OF SUPPLY AGREEMENT BY INSERTION OF NEW SENTENCE, IN ACCORDANCE WITH AGENCY SUGGESTION AS SET FORTH IN PARA 1, REFTEL 2.

5. RE PARA 3, REFTEL 2, AGREE WITH INCLUSION SECOND REACTOR IN PROJECT AGREEMENT SO LONG AS TRILATERAL SUPPLY AGREEMENT CONTINUES TO BE LIMITED TO UNIT ONE OF PROJECT. OTHER COMMENTS ON DRAFT PROJECT AGREEMENT ALREADY COVERED IN SEPARATE CABLE. KISSINGER

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